

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESPONSE TO WRITTEN COMMENTS

ON THE REISSUANCE OF WASTE DISCHARGE REQUIREMENTS FOR:

Central Contra Costa County Sanitary District
Wastewater Treatment Plant
5019 Imhoff Place, Martinez
Contra Costa County
NPDES Permit No. CA0037648

The Tentative Order for reissuance of the Central Contra Costa Sanitary District Waste Water Treatment Plant NPDES Permit No. CA0038776 was made available for public comment for 30 days from November 30 to December 30, 2006. The Water Board received 22 pages of comments on this item from the Central Contra Costa Sanitary District, a five page letter from the Bay Area Clean Water Agencies, and a one page letter from U.S. EPA that referred to this facility as well as other facilities.

Central Contra Costa County Sanitary District, December 29, 2006

Mr. Douglas J. Craig
Director of Plant Operations

United States Environmental Protection Agency (USEPA) – December 13, 2006

Mr. Douglas E. Eberhardt, Chief
CWA Standards and Permits Office

Bay Area Clean Water Agencies (BACWA), December 29, 2006

Ms. Michele Pla
BACWA Executive Director

Comments were both editorial and substantive. Only substantive comments, those that would change the content of the Tentative Order, are addressed here. Generally, with exceptions noted, editorial comments were incorporated into the Revised Tentative Order.

Note: The format of this staff response begins with summaries of the party's comments, followed with a Water Board staff response to each comment. Interested persons should refer to the original letters to ascertain the full substance and context of each comment.

COMMENTS FROM CENTRAL CONTRA COSTA SANITARY DISTRICT

MAJOR POLICY/TECHNICAL ISSUES

The District questions the establishment of final effluent limits for four pollutants: copper, mercury, cyanide and dioxin-TEQ. Detailed reasoning is provided for copper, mercury and dioxin-TEQ. Water Board staff identified specific comments within each comment section of the District's letter, and we numbered and addressed them individually in our response.

COPPER

District Comment 1: Final Limits for Copper

The District notes that the final effluent limits for copper are the same as in the 2001 permit and because we kept these limits to avoid backsliding by making the limits less stringent. The newly calculated effluent limits for copper, 105 and 150 µg/l monthly average and daily average, are significantly less stringent than those imposed by the permit, 14 and 20 µg/l respectively. The District disagrees with the Water Board's staff application of the anti-backsliding provisions.

Response: We acknowledge that the limits in the permit are more stringent than those that would apply based on current Water Effects Ratios (WERs) and translator values. The Fact Sheet provides the calculations that show the less stringent effluent limits, shown above, that could be used in the absence of anti-backsliding constraints. As discussed in our response below, our interpretation of the anti-backsliding provisions is sound.

District Comment 2: Final Limits for Copper

The District asserts that applying the new Water Effects Ratio (WER) and translators would not violate anti-backsliding rules and provides information on a State Water Board finding that supports this assertion.

Response: The Regional Water Board is bound by the Clean Water Act (33 U.S.C. §1251(o)(2)), which sets forth the conditions under which backsliding is permissible. Reissued permits cannot contain less stringent effluent limitations except under specific circumstances, one of which is when information is available that was not available when the permit was last issued. However, there is a condition to this exception. New information can be used as a basis for backsliding only when other actions decrease pollutant discharges. Since there are no proposed actions to decrease discharges of copper, Regional Water Board staff's interpretation of the Clean Water Act is that even with new information, such as WER, assigning less stringent limits would, in this case, violate anti-backsliding, and thus disagrees with the District's claim.

District Comment 3: Final Limits for Copper

The District acknowledges it has been able to comply with the limits for the past five years but is concerned that compliance with the stringent limits may not be possible if

conditions change – such as onset of a drought. It asks that we revise the order to acknowledge that new information is now available that would justify less stringent limits if not for the anti-backsliding requirements.

Response: If new circumstances create a situation where the District may not be able to comply with the effluent limits established in the permit, then the Water Board may consider the adoption of new permit limits. The Fact Sheet (p. F-27) describes the site-specific objectives (SSOs) being developed and the WER. We revised the Tentative Order to clarify that the copper limit could potentially be revised if the District were to develop an inability to comply due to a material and substantial alteration or addition to its facility, or events over which it has no control and for which there is no reasonably available remedy.

MERCURY

Comment 1: Final Limits for Mercury

The District claims that the limits established in the permit, 0.018 and 0.046 ug/l monthly average and daily maximum respectively, are based on an outdated water quality objective (0.025 µg/l) that has been in the Basin Plan since 1986. They also claim that appropriate limits should be based on human health criteria with a water quality objective of 0.051 µg/l or with a fish tissue-based objective. The District is concerned that superseded standards are being used to establish final effluent limits.

Response: We are working to revise the Basin Plan's mercury water quality objective but until this regulatory change is complete, the existing objective applies. We agree that complying with the final limit could be difficult and costly.

Comment 2: Final Limits for Mercury

The District brings attention to its efforts on preventing pollution of its influent waste water by mercury and claims that the implementation of additional treatment technologies so the effluent limits can be reliably attained would be prohibitively expensive. The District notes that it, along with BACWA, has participated in the development of the mercury TMDL for the San Francisco Bay. The District is concerned that if the TMDL is not established before the date in the permit (April 28, 2010) when the final limits become effective then, because of anti-backsliding provisions, the final limits in the Tentative Order could not be changed. The District proposed that language be introduced into the permit to ensure that TMDL limitations would supersede final effluent limits for mercury proposed in this Order.

Response: In the unlikely event that the final limit is imposed, backsliding due to the mercury TMDL should not be a problem. As explained above, Clean Water Act § 1342(o) states that backsliding is permissible when new information is available as long as other actions will result in a net decrease in pollutant discharges. The TMDL is designed to decrease overall mercury loads, so all mercury limits will be revised to be consistent with the TMDL.

CYANIDE

Comment: Final Limits for Cyanide

The District asserts that it cannot meet the proposed final limits in the Tentative Order but notes it can meet the alternative limits based on the site specific objectives. It supports the development of the site specific objectives and acknowledges reference to this in the Tentative Order.

Response: We acknowledge this comment and the District's support in developing the site specific objectives.

DIOXIN-TEQ

Comment 1: Final Limits for Dioxin-TEQ

The District notes the interim mass limits in this Tentative Order are the same as those in the previous 2001 permit when the District appealed those limits – although the appeal was held in abeyance. In addition, the District notes that in this Order a concentration final effluent limit of 0.014 pg/l is also included.

Response: We acknowledge that the District appealed the previous permit, but we are confident in our approach.

Comment 2: Final Limits for Dioxin-TEQ

The District questions setting limits that cannot be measured by available analytical methods. The District notes that minimum levels (MLs) for all dioxin congeners are above the water quality criteria. The District questions the value of imposing a dioxin-TEQ limit when available analytical technologies cannot quantify dioxin congeners at that level and when the District has no control over the source and path of dioxin congeners to the treatment plant.

Response: The permit includes a dioxin limit because state and federal laws require one. As described in the Fact Sheet, 40 CFR 122.44(d) provides that if there is reasonable potential for a discharge to cause or contribute to an exceedance of a standard, the permit must contain effluent limits for that pollutant. The District's discharge has reasonable potential for dioxin-TEQ because estimated discharge concentrations are above a level that could exceed the objective. Neither this regulation, nor the Basin Plan, allow consideration of whether analytical methods can measure to criteria levels when establishing effluent limits. The Basin Plan at page 4-14, last sentence, "Method Detection Limits ..." states "when pollutant concentrations in waters are relatively low, the limits of quantification will be taken into account in determining compliance with, rather than the calculation of, effluent limits." Following this policy, and the ML concept of the SIP, we established effluent limits consistent with the water quality objective and analytical based MLs that the Water Board will use to determine non-compliance and enforcement.

Comment 3: Final Limits for Dioxin-TEQ

The District cites issues raised by the South Bay Districts Authority (SBSA) in its comments on its permit (Agenda Item 9).

Response: Responses to comments on the SBSA permit are included in the packet for that permit, see the response to SBSA Comment 1, and are incorporated here by reference.

Comment 4: Final Limits for Dioxin-TEQ

The District asserts that, in the case of Golden Eagle Refinery (Tosco) discharges to Suisun Bay, the State Board and Court of Appeal determined that numeric limits are inappropriate for dioxin discharges because numeric limits are infeasible. The District asserts, therefore, that its dioxin-TEQ limit should also be narrative.

Response: In the decision concerning the Golden Eagle Refinery, the court found that limits could be narrative, but it did not preclude numeric limits. The fact that the Golden Eagle Refinery permit does not include a numeric effluent limit for dioxin-TEQ does not prevent the imposition of a numeric limit at this time. In fact the District has little to gain from a narrative limit. The refinery's narrative limit was essentially "no net loading". To meet this limit the refinery would need to seek mass off-sets for its entire dioxin-TEQ discharge. The proposed numeric limit for the District is likely to result in a similar outcome as regards mass offsets but for only the quantity of dioxin-TEQ above the numeric limit.

Comment 5: Final Limits for Dioxin-TEQ

The District notes that the dioxin-TEQ limit is based on the Basin Plan's narrative bioaccumulation objective, and that that objective relates to "controllable water quality factors" only. The District argues that, since it cannot control dioxins, dioxins cannot be a controllable factor, and therefore cannot cause violations of the bioaccumulation objective. Having argued that dioxins are uncontrollable, the District then argues that the Basin Plan requires a detailed case-by-case cost-benefit analysis to determine the extent to which further regulation is reasonable.

Response: U.S.EPA resolved the issue of whether dioxins are controllable. In placing San Francisco Bay on the 303(d) list of impaired waters due to dioxin concentrations in fish and other aquatic organisms, it interpreted the Basin Plan's narrative bioaccumulation objective such that dioxins are considered controllable. The Basin Plan states "Controllable water quality factors are those actions, conditions, or circumstances resulting from human activities that may influence the quality of the waters of the State and that may be reasonably controlled." Dioxins are primarily a result of human activity and their discharge to waters can be controlled by removing solids from wastewater (dioxins are hydrophobic and bind to particles). Additional dioxin removal could result from plant upgrades. This could be burdensome and may not be cost effective at this

time; however, such actions could be necessary in the future. We disagree with the District's interpretation of the Basin Plan concerning when a case-by-case cost-benefit analysis is necessary. No detailed analysis is required to determine how best to control "uncontrollable" pollutants. Such pollutants are, after all, uncontrollable. However, when a water quality objective is exceeded due to a combination of controllable and uncontrollable factors, a case-by-case analysis may be necessary. This is not the case here because dioxins and furans are controllable in the Basin Plan context.

Comment 6: Final Limits for Dioxin-TEQ

The District claims that the Tentative Order (II.Findings, G, page 6) does not clearly describe which of the three options listed in 40CFR 122.44(d)(1)(vi) was used to translate the Basin Plan's narrative bioaccumulation objective into a numeric dioxin TEQ limit.

Response: The Fact Sheet (page F-31) clearly states how the narrative objective was translated into a numeric limit. We established the effluent limit based on U.S. EPA's criteria for 2,3,7,8-TCDD (as adopted into the CTR) and other pertinent information (e.g., information about the toxic equivalence of other dioxin congeners). This approach is consistent with both 40 CFR § 122.44(d)(1)(vi)(A) and 40 CFR § 122.44(d)(1)(vi)(B). It is also consistent with our approach upheld by the State Water Board in the Napa, East Bay Municipal Utility District, Chevron and Tosco Orders (WQ 2001-16, 2002-0012, 2002-0011 and 2001-06).

Comment 7: Final Limits for Dioxin-TEQ

The District asserts that since no numeric objectives exist for dioxin-TEQ, federal law does not require numeric effluent limits. The District then asserts that adoption of numeric limits is allowed under state law, but requires an analysis of economics and other factors pursuant to Water Code § 13263 and § 13241. The District then cites Water Code § 13000, which calls for the highest level of water quality that is "reasonable," thereby implying that setting a numeric dioxin-TEQ limit is unreasonable.

Response: We believe numeric limits for dioxin-TEQ are necessary. Federal regulations at 40 CCR § 122.44(d)(1)(i) require effluent limitations for all pollutants with reasonable potential to cause an excursion above any state water quality standard, including narrative objectives. State Water Code § 13263 instructs the Water Board to place requirements on discharges as necessary to implement the Basin Plan, taking into consideration beneficial uses and applicable water quality objectives. Therefore, state law authorizes numeric limits too. Water Code § 13241 requires the Water Board to consider various factors in establishing water quality objectives, but this law does not apply in this case because we are not establishing any new water quality objectives. The effluent limit is based on an existing water quality objective - the narrative bioaccumulation objective. We contend that our approach in setting the numeric dioxin-TEQ limit is a reasonable means of implementing the Basin Plan bioaccumulation objective, and that the limit is consistent with state and federal laws and regulations.

Comment 8: Final Limits for Dioxin-TEQ

The District claims that the compliance schedule should be 10 years as opposed to a 4.5 year schedule in the T.O. It asserts that a 10-year schedule applies after any new interpretation of water quality standards. It claims that the interpretation in the previous permit was different than the interpretation in this Tentative Order.

Response: The Basin Plan allows compliance schedules of up to 10 years after new standards (or new interpretations of standards) take effect. In this case, we interpret this to mean 10 years after the effective date of the first permit identifying reasonable potential for dioxin-TEQ. Although the previous permit did not specify what the numeric limit would be, it made clear the Water Board's intention that the District take appropriate actions to ensure compliance within 10 years – of which less than five years remain. No new technical information is available now, although with the Revised Tentative Order, we have more clearly explained our rationale.

DISTRICT LETTER ENCLOSURE – Suggested changes to text (pages 1 – 12)

Except where noted below, all the specific text changes were adopted. The Comment numbers are the same numbers provided in the Enclosure.

Enclosure Comment 3

The District proposes that since there are no beaches or places facilitating direct contact with the water anywhere near the point of discharge then assignment of REC-1 as a beneficial use is inappropriate.

Response: The whole of Suisun Bay is designated REC-1 in the Basin Plan, so this beneficial use cannot be removed in a permit action.

Enclosure Comment 4

Stringency Requirements for Individual Pollutants – The District disagrees with the Tentative Order's statement that the effluent limits for mercury, as defined by the Basin Plan, are no more stringent than required by the Clean Water Act.

Response: The Basin Plan was adopted to meet the mandates of the Clean Water Act. The water quality objectives in the Basin Plan are water quality standards under the Clean Water Act. In addition, anti-backsliding, as part of the Clean Water Act, does not permit a reduction in the stringency of effluent limits.

Enclosure Comment 49

The District notes that the language in D.1 Surface water conflicts with language in paragraph VIII on page E-10.

Response: The conflict has been resolved in the Revised Tentative Order.

COMMENTS FROM USEPA, December 13, 2006

Comment on compliance schedules for Central Marin Sanitation Agency, South Bayside System Authority, and Central Contra Costa Sanitary District.

U.S.EPA Comment 1

USEPA notes that while compliance schedules may extend beyond the term of a five-year permit, if this is the case, the final limits and the compliance schedule provisions must be placed in the enforceable portion of the permit.

Response: The Tentative Order already specified final limits for all pollutants within the enforceable portion of the permit. Here we revised the Tentative Order to more clearly specify in one location the compliance schedule provisions for cyanide, mercury and dioxin-TEQ that are in the Order, but in multiple locations.

U.S.EPA Comment 2

USEPA notes that it is not appropriate to authorize a compliance schedule in order to accommodate the need to complete a regulatory action such as the development of a TMDL or site specific objective; rather, the purpose of the compliance schedule is to give the permittee time to undertake actions to meet a water quality-based effluent limitation, and the compliance schedule needs to include an enforceable sequence of actions by the permittee to meet that limitation.

Response: We revised the Tentative Order by removing Provision VI.C.2.d and replacing it with a revised Provision VI.C.4. This addresses U.S. EPA's comment that it is not appropriate to authorize a compliance schedule based on TMDL development and clearly shows the sequence of actions required by the permit. Provision VI.C.4 of this Revised Tentative Order now appears as follows:

4. Requirements to Assure Compliance with Final Limits

Task	Compliance date
1. Implement source control measures identified in the District's Infeasibility Report to reduce concentrations of cyanide, mercury, and dioxin-TEQ to the treatment plant and thus receiving waters	Upon the effective date of this Order
2. The Discharger shall evaluate and report on the effectiveness of its source control measures in reducing concentrations of mercury, cyanide, and dioxin-TEQ to its	Annually in the Annual Best Management Practices and Pollutant

<p>treatment plant. If previous measures have not been successful in enabling the District to comply with final limits for mercury, cyanide, or dioxin-TEQ, the District shall also identify and implement additional source control measures to further reduce concentrations of these pollutants. If the cyanide SSO becomes effective and an alternate limit takes effect, the District shall implement any applicable additional pollutant minimization measures described in Basin Plan implementation requirements associated with the cyanide SSO.</p>	<p>Minimization Report required by Provision VI.C.3</p>
<p>3. In the event that source control measures are insufficient for meeting final water quality based effluent limits specified in Effluent Limitations and Discharge Specifications A.3 for mercury, cyanide, and dioxin-TEQ, the Discharger shall submit a schedule for implementation of additional actions to reduce the concentration of these pollutants.</p>	<p>July 1, 2009 for</p>
<p>4. The Discharger shall commence implementation of the identified additional actions in accordance with the schedule submitted in Task 3 above.</p>	<p>Within 45 days of the date specified for Task 3 above.</p>
<p>5. Full compliance with IV Effluent Limitations and District Specifications A.3 for mercury and cyanide.</p>	<p>April 28, 2010</p>
<p>6. Full compliance with IV Effluent Limitations and Discharger Specifications A.3 for dioxin-TEQ. Alternatively, the Discharger may comply with the limit in IV through implementation of a mass offset strategy for dioxin-TEQ in accordance with policies in effect at that time.</p>	<p>June 30, 2011</p>

In support of this compliance schedule provision, we revised the Fact Sheet to indicate that our basis for granting maximum allowable compliance schedules for mercury, cyanide, and dioxin-TEQ is because of the considerable uncertainty in determining an effective measure (e.g., pollution prevention, treatment upgrades) that should be implemented to ensure compliance with final limits. In our view, it is appropriate to allow the District sufficient time to first explore source control measures before requiring it to propose further actions, such as treatment plant upgrades, that are likely to be much more costly. This approach is supported by the Basin Plan (page 4-25), which states: “In general, it is often more economical to reduce overall pollutant loading into treatment systems than to install complex and expensive technology at the plant.”

Since Provision VI.C.2.d has been removed, and VI.C.4 added, to eliminate duplication, we have also revised Provision 3.a, Best Management Practices and Pollutant Minimization Program, as follows. Also we have amended its Fact Sheet basis to remove reference to SIP 2.2.1 as this section is no longer applicable.

“a. The District shall continue to ~~implement and improve~~, in a manner acceptable to the Executive Officer, its existing Pollutant Minimization Program to promote minimization of pollutant loadings of cyanide, mercury and dioxin TEQ to the treatment plant and therefore to the receiving waters. ~~In addition, the District shall implement any applicable additional pollutant minimization measures described in Basin Plan implementation requirements associated with the cyanide SSO if and when this SSO becomes effective and an alternate limit takes effect.”~~

COMMENTS FROM BAY AREA CLEAN WATER AGENCIES (BACWA)

The BACWA comment letter states that it incorporates and supports all the comments made by the District. Our response to these comments appears above. BACWA identifies three policy issues and nine specific comments:

POLICY ISSUES

Three policy issues important for BACWA: A. limits for copper, B. numerical limits for dioxin-TEQ, and C. requirements related to listed pollutants.

BACWA Policy Issue Comment A

BACWA notes that the District was given a final limit for copper in the previous permit without the benefit of the new Water Effects Ratio (WER) and that new technical information justifies the application of a new, less stringent, effluent limit.

Response: This issue has already been addressed in the responses to the District's comments. See page 2.

BACWA Policy Issue Comment B

BACWA disagrees to setting numeric limits for dioxin-TEQ since it is not possible to identify dioxin congeners at these concentrations and the presence of such pollutants is not controllable.

Response: This issue has already been addressed in the responses to the District's comments. See page 4.

BACWA Policy Issue Comment C

BACWA notes that in this Tentative Order (along with other tentative orders) the Water Board requires dischargers to submit a status report and alternatives for compliance with final limits should the TMDL not be completed by July 2009. BACWA believes it is inappropriate to place the burden on permittees to take responsibility for the time it takes to complete TMDLs.

Response: We recognize that if TMDLs or site specific objectives were in place, in some cases, effluent limits and compliance schedules may not be required. We also acknowledge our responsibility to establish these limits. The December 13, 2006, letter from U.S. EPA (included as a comment letter), however, states clearly, "it is not appropriate to authorize a compliance schedule in order to accommodate ... action such as development of a TMDL or site specific objective ..."

BACWA Specific Comments

BACWA Specific Comment 1: Page 6, Finding G, Water Quality-based Effluent Limitations.

BACWA recommends removing the reference to “a proposed state criterion” as these may not be used in state law.

Response: We have not made the change requested because we disagree with BACWA’s contention. 40 CFR 122.44(d)(1)(vi) clearly states: “where a State has not established a water quality criterion ... such a criterion may be derived using a proposed State criterion” Additionally, the language at issue is template language developed by the State Water Board, and BACWA has provided no convincing reason to change it.

BACWA Specific Comment 2: Page 7, Finding M, Stringency of Requirements for Individual Pollutants

BACWA recommends removing the statements “restrictions ... that are no more stringent than required by the federal CWA” since it claims there are several instances where permit requirements are more stringent.

Response: We have not made the requested change because we disagree with BACWA’s contention that the unspecified requirements of the Tentative Order are more stringent than required by the federal Clean Water Act. BACWA does not specify which permit requirements they claim are more stringent than required by the Clean Water Act; it is therefore impossible to make a more specific reply to this comment.

BACWA Specific Comment 3: Page 10, Discharge Prohibition D.

BACWA notes that for consistency with the EBDA permit the language should be changed from “The discharge of wastewater” to “The discharge of treated wastewater ...”

Response: The change has been made.

BACWA Specific Comment 4: Copper Final Limits.

BACWA requests that Water Effects Ratios be used to compute final limits.

Response: Water Effects Ratios were used to calculate new effluent limits (see the Fact Sheet at IV.C.4.a, Page F-26), but these were higher than those in the previous permit with which the District has been able to comply. We therefore used the previous limits to avoid backsliding.

BACWA Specific Comment 5: Page 11, Mercury Final Concentration Limit.

BACWA contends that it is inappropriate to place a final limit for mercury in the permit when there is no indication that the permittee will be able to meet this limit.

Response: The December 13 letter from U.S.EPA (included as a comment letter) insists that we include final limits and compliance schedule provisions in the enforceable portion of the permit.

BACWA Specific Comment 6: Dioxin-TEQ Final Concentration and Mass Limits.
BACWA contends that it is inappropriate to place a final limit for dioxin-TEQ in the permit when there is no indication that the permittee will be able to meet this limit.

Response: The December 13 letter from U.S.EPA (included as a comment letter) insists that we include final limits and compliance schedule provisions in the enforceable portion of the permit.

BACWA Specific Comment 7: Page 13 Mercury Mass Limits.
BACWA states its intention to incorporate all its petitions from 2000 to 2003 into these comments.

Response: The State Water Board has upheld the Regional Water Board's imposition of mercury mass limits on all four occasions when it reviewed this issue. Specifically, the State Water Board upheld mercury mass limits in its decisions on the permit for Tosco (WQ 2001-06), Napa (WQ 2001-16), Chevron (WQ 2002-0011), and East Bay Municipal Utility District (WQ 2002-0012).

BACWA Specific Comment 8: Regional Monitoring Program.
BACWA requests that the permit be revised to clarify how Regional Monitoring Program studies are being conducted and suggests language to address its concerns.

Response: This issue was raised by the District (Comment 13 in its Enclosure) and changes proposed by the District have been incorporated.

BACWA Specific Comment 9: Page 22 and F-45, VII.C.4.2.e Status Report on 303(d)-Listed Pollutants, Site Specific Objectives (SSOs).
BACWA believes it is inappropriate to require pollutant reductions by permittees starting July 1, 2009, in the event site specific objectives and the TMDLs are not developed. For dioxin-TEQ, they contend that municipal waste water plants are not a significant source of this pollutant to the Bay and that dischargers should not be in position of having to spend public resources to develop technologies that would obviate the need for TMDLs. They recommend timely action by the Water Board to adopt TMDLs and site specific objectives. BACWA also recommends related changes in sections of the permit and Fact Sheet.

Response 9: Compliance schedules are intended to allow dischargers time to come into compliance. If dischargers cannot comply with WQBELs, actions are necessary to

achieve compliance with final limits. The requested revisions amount to exempting the discharger from final limits on the contaminants in question. For compliance schedules that end within the term of the permit, SIP Section 2.2.1 requires that permits contain final limits. In addition the December 13, 2006, letter from USEPA (included as a comment letter) insists that the Water Board include final limits and compliance schedule provisions in the enforceable portions of all permits, regardless of the status of the development of TMDLs and site specific objectives, or the duration of the compliance schedule relative to the term of the permit.